

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WILLIAM ELIAS, *et. al.*,

Plaintiffs,

v.

FEDERAL HOME MORTGAGE  
CORPORATION,

Defendants.

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Case No. 13-10387

Honorable John Corbett O'Meara

**ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER**

This matter came before the court on Plaintiffs' January 31, 2013 Motion for Temporary Restraining Order. No response has been filed, and no oral argument was heard.

Plaintiffs allege that defendant Federal Home Mortgage Corporation ("Freddie Mac") "blacklisted Plaintiffs by placing them on its so-called 'Exclusionary List,' which is effectively ending [plaintiff William Elias'] career in real estate." Plaintiffs' mot. at 1. Plaintiffs seek an order enjoining Freddie Mac from keeping Plaintiffs on the Exclusionary List.

In determining whether a temporary restraining order should issue, courts consider the following factors: 1) whether the plaintiff has established a substantial likelihood of success on the merits; 2) whether there is a threat of immediate and irreparable harm to the plaintiff; 3) whether issuance of the injunction would cause substantial harm to others; and 4) whether the public interest would be served by the granting of injunctive relief. Nightclubs, Inc. v. City of Paducah, 202 F.3d 884, 888 (6<sup>th</sup> Cir. 2000).

In this case Plaintiffs contend that their loss of business constitutes irreparable harm. The court disagrees, however, as Plaintiffs could be compensated with money damages if they are found

to be entitled to them. On this basis alone the court concludes that Plaintiffs are not entitled to the relief requested.

Plaintiffs have requested, in the alternative, a preliminary injunction. The court will consider Plaintiffs' motion as a motion for preliminary injunction and will schedule a hearing for Thursday, February 28, 2013, at 10:30 a.m. Counsel for defendant Freddie Mac may file a response to the motion on or before February 14, 2013; and Plaintiffs may file a reply on or before February 21, 2013.

**ORDER**

It is hereby **ORDERED** that Plaintiffs' January 31, 2013 Motion for Temporary Restraining Order is **DENIED**.

s/John Corbett O'Meara  
United States District Judge

Date: February 1, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, February 1, 2013, using the ECF system.

s/William Barkholz  
Case Manager